

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICK HARRISON, et al.,

Plaintiff,

13-cv-3127 (PKC)

-against-

ORDER

REPUBLIC OF SUDAN,

Defendant.

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RICK HARRISON, et al.

Petitioners,

-against-

AMERICAN EXPRESS TRAVEL RELATED
SERVICES, CO.; BANCO DO BRASIL, S.A.;
BANK OF AMERICA; BANK OF BARODA,
NEW YORK BRANCH; BANK OF CHINA,
NEW YORK BRANCH; BANK OF NEW YORK
MELLON; BANK OF TOKYO – MITSUBISHI
UFJ TRUST COMPANY; BARCLAYS BANK
PLC; CITIGROUP INC.; COMMERZBANK AG;
CREDIT AGRICOLE CORPORATE &
INVESTMENT BANK; CREDIT SUISSE
SECURITIES (USA) LLC; DEUTSCH BANK AG
NEW YORK; DEUTSCHE BANK TRUST CO.
AMERICAS; DOHA BANK; FEDERAL
RESERVE BANK OF NEW YORK; HABIB
AMERICAN BANK; HSBC BANK, USA, N.A.;
INTERAUDI BANK; INTESA SANPAOLO
S.P.A.; JP MORGAN CHASE & CO.; PNC
BANK, N.A.; RBS CITIZENS, N.A.; SOCIETE
GENERALE; STANDARD CHARTERED
BANK; STATE BANK OF INDIA; SUMITOMO
MITSUI BANKING CORP.; THE ROYAL BANK
OF SCOTLAND N.V.; UNITED BANK
LIMITED; WELLS FARGO BANK, N.A.,

Respondents/Garnishees.

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| USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3-12-15</u> |
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CASTEL, U.S.D.J.

This Court's May 15, 2014 Order with Respect to Giving Notice of Turnover Proceeding ("Notice Order") set forth procedures for notifying and/or joining third parties who may claim an interest in the blocked assets held at certain respondent banks and sought by petitioners to enforce a judgment against the Republic of Sudan. (Dkt. 120.) The Notice Order provided potential third party claimants with an opportunity to object to the turnover of funds. Included in the "Notice Documents" was a "Notice of Proceeding," which stated that "[t]he Court has ordered that any person or entity claiming to be the owner of, or to have an interest in, any of the Blocked Assets must submit written objections, specifying the factual basis of their claims to the funds." (Id.) The Notice of Proceeding further stated that the Court may hold a hearing to determine whether a third party who timely and properly objects has a valid claim. (Id.)

This Court has reviewed all timely written objections and concludes that an evidentiary hearing is necessary as to the objections made by the following entities: Sudapet Company Ltd. with respect to an account held at Citibank N.A. (Dkt. 315); AINile Bank for Commerce and Development (formerly named Islamic Cooperative Development Bank) with respect to accounts held at Citibank N.A. (see dkt. 319) and Standard Chartered Bank (see dkt. 326); Nile Petroleum Engineering Co. Ltd. with respect to an account held at HSBC Bank, USA, N.A. (see dkt. 321); and Oxfam Great Britain with respect to an account held at Wells Fargo Bank, N.A. (See dkt. 324.)

The Court will hold an evidentiary hearing on April 22, 2015, at 10:30 AM. The objecting third parties and the respondent banks listed in the preceding paragraph shall appear in this Court for the hearing.

ALL OBJECTING ENTITIES MUST CAUSE A MOTION OF APPEARANCE TO BE FILED BY AN ATTORNEY WHO IS ADMITTED TO PRACTICE IN THIS COURT BY APRIL 16, 2015. IF BY APRIL 16, 2015, ANY OBJECTING ENTITY FAILS TO CAUSE A NOTICE OF APPEARANCE TO BE FILED WITH THIS COURT BY AN ATTORNEY ADMITTED TO PRACTICE BEFORE THIS COURT, THE COURT, UPON APPLICATION BY A PROPER PARTY, MAY (1) DETERMINE THAT THE OBJECTING ENTITY HAS DEFAULTED AND LOST ANY RIGHT IT MAY HAVE TO ASSERT A CLAIM TO THE FUNDS, (2) ORDER THAT SUCH FUNDS BE TURNED OVER TO THE PETITIONERS TO SATISFY THE JUDGMENT, AND (3) DISCHARGE THE RESPONDENT BANK FROM ANY LIABILITY TO THE OBJECTING ENTITY IN RESPECT OF SUCH FUNDS.

By March 27, 2015, each respondent bank ordered to appear at the evidentiary hearing shall (1) serve a copy of this Order upon any third party ordered to appear before this Court who objected to the turnover of accounts held at its bank, and (2) file an affidavit of service with the Clerk of the Court.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'P. Kevin Castel', is written over a horizontal line.

P. Kevin Castel
United States District Judge

Dated: New York, New York
March 12, 2015